

REMARKS

Claims 10-16 remain in the application. Claims 1-9 were previously canceled, while Claim 17 is canceled by the present amendment.

The restriction requirement has been deemed proper and made final. In complete compliance therewith, non-elected Claim 17/Group II has been canceled.

Claim 10 has been rejected under 35 U.S.C. § 112, second paragraph, as indefinite. The two amendments suggested by the Examiner to overcome this rejection has been made above. Therefore, it is believed that the record § 112 rejection has been overcome and should be withdrawn.

Claims 10-14 have been rejected under 35 U.S.C. § 102(b) as anticipated by Tinson et al. Tinson et al. describe the use of a urease-negative mutant of *S. thermophilus* (TS₂) as a starter for the manufacturer of cheddar cheese; see page 17, right column, **Materials and methods**, *Manufacture of cheese*. According to TABLE 1 on page 18, right column, the TS₂ mutant is not incorporated alone in the milk but together with the *Streptococcus cremoris* strain FG₂. This is consistent with the short method described on page 17 under **Materials and methods**, *Manufacture of cheese*. The *S. cremoris* strain FG₂ is also urease negative; see page 19, left column, line 15 below TABLE 2.

Thus, Tinson et al. disclose a method of manufacture of a cheese, in which method there are incorporated with the milk one strain *S. thermophilus* and one strain *S. cremoris*, both of which are urease negative. However, as reported by Tinson et al., no urea was found in the matured cheeses (page 19, left column, lines 19-20). The authors indicate that this could be due to the presence and activity of

urease-positive adventitious microorganisms in the cheeses; see page 19, the paragraph bridging the left and right columns.

The degradation of urea by adventitious microorganisms in the course of cheese manufacture would necessarily result in the production of ammonia (NH₃), thus in a delay in the acidification kinetic. Accordingly, Tinson et al. do not disclose a method for obtaining, during the manufacture of a cheese, an acidification kinetic which is substantially independent of the content of the milk in terms of constituents involved in the metabolism of urea.

In view of the foregoing, it is submitted that the 35 U.S.C. § 102(b) rejection has been overcome and should be withdrawn.

Further, favorable action in the form of a Notice of Allowance is believed to be next in order and is earnestly solicited.

Respectfully submitted,

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